

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

|    |                        |   |                      |
|----|------------------------|---|----------------------|
| 9  | MICHAEL R. ROBERTS,    | ) |                      |
|    |                        | ) | No. CV-07-5013-MWL   |
| 10 | Plaintiff,             | ) |                      |
|    |                        | ) | ORDER GRANTING JOINT |
| 11 | v.                     | ) | MOTION FOR REMAND    |
|    |                        | ) |                      |
| 12 | MICHAEL J. ASTRUE,     | ) |                      |
|    | Commissioner of Social | ) |                      |
| 13 | Security,              | ) |                      |
|    |                        | ) |                      |
| 14 | Defendant.             | ) |                      |

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 24). The parties have filed a recent consent to proceed before a magistrate judge. (Ct. Rec. 18).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case be remanded for a de novo hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge ("ALJ") will: (1) re-evaluate the opinions of Drs. Bender, Washington and Nand; (2) re-evaluate his Step-Two determination; (3) re-evaluate Plaintiff's subjective testimony; (4) re-evaluate Plaintiff's maximum residual functional capacity; (5) re-evaluate Plaintiff's capacity to engage in any past relevant work, and, if necessary, his ability to sustain

1 other substantial gainful employment which exists in significant  
2 numbers in the national economy; and (6) obtain supplemental  
3 testimony from a vocational expert if warranted. The parties may  
4 also submit additional evidence and argument.

5 Accordingly, this Court hereby reverses the Commissioner's  
6 decision under sentence four of 42 U.S.C. § 405(g) with a remand  
7 of the cause to the Commissioner for further proceedings. See,  
8 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

9 **IT IS FURTHER ORDERED:**

10 1. The parties Joint Motion to Remand (**Ct. Rec. 24**) is  
11 **GRANTED.**

12 2. Judgment shall be entered for the **PLAINTIFF.**

13 3. An application for attorney fees may be filed by  
14 separate motion.

15 4. The District Court Executive is directed to enter this  
16 Order, forward copies to counsel, and thereafter shall **close** this  
17 file.

18 **IT IS SO ORDERED.**

19 DATED this 12<sup>th</sup> day of October, 2007.

20  
21 S/Cynthia Imbrogno  
22 CYNTHIA IMBROGNO  
23 UNITED STATES MAGISTRATE JUDGE  
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